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Grade 8

Bill of Rights Contest Amendment Proposal

Esteemed members of Congress, I have come to you to propose a new amendment to the Bill of Rights. My proposed amendment is that all U.S. citizens shall own and control their personal data. This proposal should be added to the Bill of Rights because the framers of the Bill of Rights could have never envisioned the invention of computers and the internet. These technological advancements brought with them unimaginable amounts of personal data and the question of data ownership rights. The Constitution protects the traditional concept of property rights through the Fifth and Fourteenth Amendments. Unfortunately, electronic data does not fit nicely within the more traditional views of property. The evolution of property requires the need to address the uncertainty of data property ownership rights. The government should provide guidance and ratify a new amendment.

First, this amendment is necessary because of the explosion in internet usage. According to Intelivita, 29.7% of American business is done online (<https://shorturl.at/iFMU2>). Also, according to Statista, over 82% of all Americans have a social media account (<https://shorturl.at/fjxDN>). The high rate of internet usage has resulted in a variety of personal information being collected, shared, and

sold. This information is highly personal and has significant value to corporations and governments. According to *Washington Monthly*, the value of the user's personal information was approximately \$35.2 billion, or 63% of current earnings, for Facebook (<https://shorturl.at/xzNT6>). In most cases, internet users' data is shared, sold, or transferred without proper consent and fair compensation.

Secondly, this amendment is necessary because of the actions of criminals. With the growth of the internet came an exponential growth in data theft. In 2022, according to Statista, there were 1,802 cases of data compromises and over 422 million Americans being impacted by data breaches (<https://shorturl.at/dX236>). The transfer and sharing of data means that a person's data may reside with companies where the users had no direct interactions. The sharing and transferring of data increases the chances that a person may be subject to a data breach because now the data resides in multiple locations. CNBC has reported that data breaches often result in fraud, and these crimes cost American consumers over \$56 billion with over 49 million consumers being affected (<https://shorturl.at/ltIL0>).

In conclusion, personal electronic data belongs to the individual and not anyone else. James Madison once said, "Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government which impartially secures to every man whatever is

his own.” This quote not only summarizes the central importance of property rights to a just government, but also the concept that a man has property rights in whatever is his own. Personal data belongs to the individual and should be protected by the U.S. Constitution.